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TRANSMITTAL		ng Date	July 22, 1998	
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to be used for all correspondence after in	ıltial filing) Gro	up Art Unit	2131	
,		miner Name	JAMES SEA	L _
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Response to Missing Parts under 37 CFR 1,52 or 1.53				
	ATURE OF APP	LICANT, ATTORNEY,	OR AGENT	
Firm or Individual name		Attorney Name Gary D. Yacura		. No. 116
Signature	A C	m		
Date August 23, 2002				
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I hereby certify that this correspondence addressed to: Commissioner of Patents Trademark Office on the date Indicated	s and Trademarks,	d with the United States Por Washington, D.C. 20231, c	stal Service as fi or facsimile trans	rst class mall in an envelope mitted to the U.S. Patent and
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HARNESS, DICKEY & PIERCE, P.L.C.

Attorneys and Counselors P.O. Box 8910 Reston, Virginia 20195 Phone: 703-390-3030

> Fax: 703-390-3020 Troy, MI . St Louis, MO

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PART I OF II

PAGES 1-5 of 53

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P.01/02

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Attorneys and Counselors
P.O. Box 8910
Reston, Virginia 20195

Phone: 703-390-3030 Fax: 703-390-3020 Troy, MI • St. Louis, MO Official



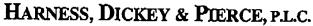
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Attorneys and Counselors P.O. Box 8910 Reston, Virginia 20195 Phone: 703-390-3030 Fax: 703-390-3020

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PATENT 29250-000262

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Mark H. ETZEL et al.

Conf: 2566

Serial No.:

09/120,763

Group: 2131

Filed:

July 22, 1998

Examiner: James Seal

Examiner. Junes See

For:

METHODS AND APPARATUS FOR ENHANCED CMEA INCLUDING A

CMEA ITERATION PRECEDED AND FOLLOWED BY

TRANSFORMATIONS AND EMPLOYING AN INVOLUNTARY LOOKUP

PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW HOLDING OF ABANDONMENT

Assistant Commissioner for Patents

August 23, 2002

Washington, D.C. 20231

Dear Sir:

In response to the Abandoned Status of the subject application, Applicant hereby respectfully petitions under the provisions of 37 C.F.R. 1.181 and M.P.E.P. §711.03(c) for decision to withdraw the holding of abandonment.

During a telephonic Examiner interview, Examiner Seal indicated that this application was abandoned in view of Applicant's failure to reply to an Office Action mailed June 28, 2001. During the months of June and July, the attorneys of record and the correspondence address was for the law firm of Birch Stewart Kolasch & Birch, and the undersigned was partner of that firm. However, this Office Action was never received by the offices of the Birch Stewart firm, and a search of the file jacket for the present application and the firm docketing records reveals that this Office Action was never received. The offices of the undersigned did not become aware of the Office Action until advised by Examiner Seal during the telephonic interview.

Appl. No. 09/120,763

The fact that the Office Action dated June 28, 2001 was never received in the offices of Birch Stewart Kolasch & Birch is evidenced by Exhibits I-II attached hereto.

Exhibit I is a copy of the front page of the attorney's file jacket of Serial No. 09/120,763 (which corresponds to Attorney Docket No. 2925-262P). It was the policy in the Birch Stewart firm to record all information regarding Office Actions and responses on the front page of the file jacket. As the Petition Examiner will note, there is no entry for the Office Action dated June 28, 2001 on the front page of the file jacket of the above-referenced application.

Exhibit II is a copy of the computer-generated daily docket sheet of the Birch Stewart firm for the date of September 28, 2001 (the due date for replying to the Office Action), containing entries made by their Docketing Personnel of due dates in response to United States Patent and Trademark Office Actions. It was the policy of the Birch Stewart firm to docket all due dates for Office Actions received from United States Patent and Trademark Office into the computer docketing system.

The undersigned certifies that he has reviewed the computer-generated daily docket sheets for the due date of September 28, 2001 and did not locate an entry which corresponds to Attorney Docket No. 29250-262P.

In view of the above-described facts, it is respectfully submitted that the abandonment of the present application was unavoidable and due solely to problems with the mailing of the June 28, 2001 Office Action. Accordingly, this petition is being timely filed for the purpose of petitioning withdrawal of the abandonment in view of the above-stated facts.

Since the above-mentioned Office Action was never received in the offices of the undersigned, it is believed that no petition fee is necessary in connection with this petition. In

Appl. No. 09/120,763

the event that the petition fee is deemed necessary by the United States Patent and Trademark Office, it is respectfully requested that the fee of \$130.00 as set forth in 35 U.S.C. §1.17(h)(1) be charged to Deposit Account No. 08-0750.

In the event that any matters remain at issue in the application, the Examiner is invited to contact the undersigned at (703) 390-3030 in the Northern Virginia area, for the purpose of a telephonic interview.

Respectfully submitted,

HARNESS, DICKEY AND PIERCE P.L.C.

Gary D. Yacura

P.O. Box 8910 Reston, VA 20195

GDY:jcp

Attachments: Exhibits I-II

ISSUED

EXHIBIT I

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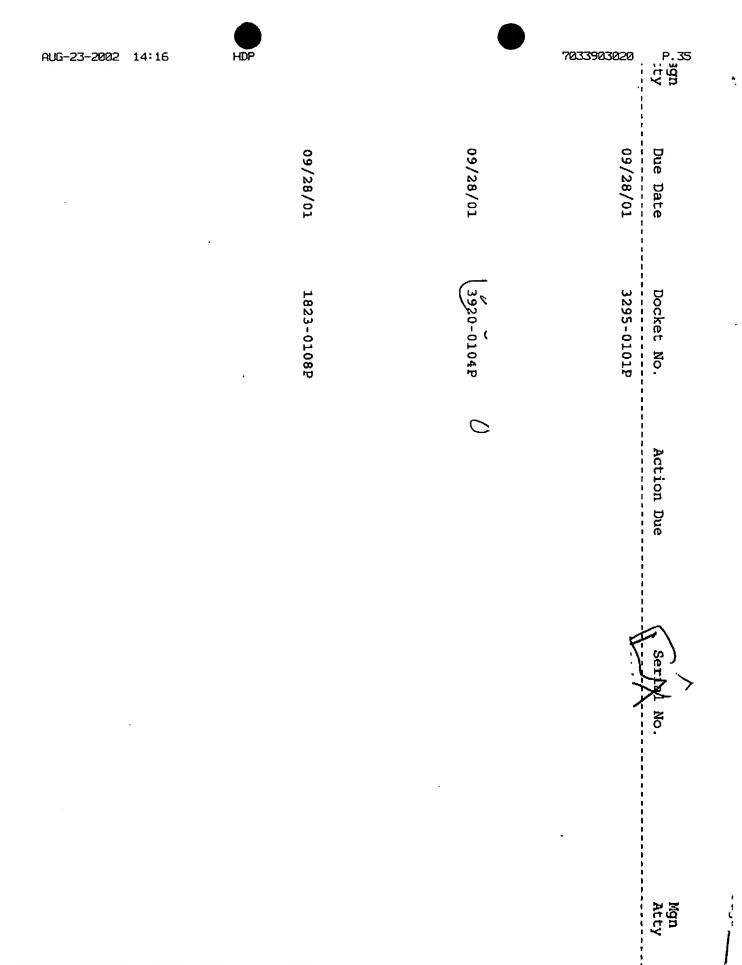
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